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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

SAN LUIS & DELTA-MENDOTA
WATER AUTHORITY, WESTLANDS
WATER DISTRICT, CALIFORNIA FARM
BUREAU FEDERATION, a California non-
profit corporation, *et al.*,
Plaintiffs,

v.

ANNE BADGLEY, in her official capacity
as Regional Director of the United States
Fish and Wildlife Service, Region 1, *et al.*,
Defendants,
and

NATURAL RESOURCES DEFENSE
COUNCIL, *et al.*,
Intervenor-Defendant.

) Case No: 1:02-CV-6461

) **STIPULATION AND ORDER**
) **REVISING BRIEFING SCHEDULE**

) **JUDGE:** Hon. Oliver W. Wanger

WHEREAS, on September 1, 2006, the Honorable Oliver W. Wanger entered an order setting
the briefing schedule for this action;

1 WHEREAS, such order requires Plaintiffs to file their Motion for Summary Judgment in this
2 action by December 22, 2006 and sets a briefing schedule for the completion of this action;

3
4 WHEREAS, on December 19, 2006, Plaintiffs filed a stipulation, signed by all parties, and
5 proposed order extending the deadlines contained in the briefing schedule.

6 WHEREAS, as set forth in the stipulation, Plaintiffs and Federal Defendants have engaged in
7 further settlement discussions and believe there is a high likelihood of settling this action;

8 WHEREAS, on December 20, 2006, the Honorable Oliver W. Wanger signed the proposed
9 order thereby postponing the deadline for Plaintiffs' Motion for Summary Judgment until January 26,
10 2007 and modifying the remaining briefing schedule;

11 WHEREAS, Plaintiffs and Federal Defendants continue to discuss the possibility of
12 settlement and believe such discussions should be concluded by March 16, 2007;

13
14 WHEREAS, proceeding with the current briefing schedule in light of the settlement
15 discussions may result in inefficient use of both counsels' and the judiciary's resources;

16 Accordingly, IT IS HEREBY STIPULATED by and among the parties, through their
17 respective counsel, that the current January 26, 2007 deadline for Plaintiffs' Motion for Summary
18 Judgment in this action be postponed until March 16, 2007, and the remaining briefing schedule be
19 modified in the following manner:

20 Federal Defendants and Defendant-Intervenors shall file oppositions thereto and Cross-
21 Motions for Summary Judgment by April 20, 2007;

22 Plaintiffs shall file their replies and opposition to Federal Defendants' and Defendant-
23 Intervenors' Cross-Motions for Summary Judgment by May 4, 2007;

24
25 Federal Defendants and Defendant-Intervenors shall file their replies to Plaintiffs'
26 oppositions by May 18, 2007;

The Cross-Motions for Summary Judgment shall be heard on May 25, 2007, at 10:00 a.m., in Courtroom 3, or at such time as set by the Honorable Oliver W. Wanger. Extended time is requested for oral argument.

Dated: January 23, 2007

By /s/ Brenda Washington Davis
Brenda Washington Davis
Ronda Azevedo Lucas
Attorneys for PLAINTIFFS California Farm Bureau
Federation and Ted Sheely

Christopher H. Buckley
Attorney for PLAINTIFFS California Farm Bureau
Federation

Dated: January 23, 2007

By /s/ Daniel J. O'Hanlon (as authorized 1/23/07)
Daniel J. O'Hanlon
Attorney for PLAINTIFFS San Luis & Delta-Mendota
Water Authority and Westlands Water District

Dated: January 23, 2007

MATTHEW J. MCKEOWN
Acting Assistant Attorney General
JEAN E. WILLIAMS, Section Chief
SETH BARSKY, Assistant Section Chief

By /s/ James A. Maysonett (as authorized 1/23/07)
James A. Maysonett
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Dated: January 23, 2007

By /s/ Andrea A. Treece (as authorized 1/23/07)
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Hamilton Candee
Attorneys for DEFENDANT-INTERVENORS

ORDER

The Court, having read and considered the foregoing stipulation, and good cause appearing,

IT IS SO ORDERED.

Dated: 1/26/07

/s/ Oliver W. Wanger
Honorable Oliver W. Wanger
United States District Judge